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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**
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8 Geoffrey A. Thomas,
9 Plaintiff,

10 v.

11 Jeffery G. Shields, et al.,
12 Defendants.
13

No. CV-22-00257-TUC-JCH

ORDER

14 Before the Court is Plaintiff's "Application for Attorneys' Fees" ("Application")
15 filed under the Federal Rules of Civil Procedure 37(a)(5)(A). Doc. 48. The Court
16 previously granted Plaintiff's Motion for Attorneys' Fees ("Motion") and directed Plaintiff
17 to submit this Application. Doc. 47 at 5. Defendants did not file an Opposition and the time
18 to do so has elapsed.¹

19 **I. Legal Standard**

20 To determine whether requested attorneys' fees are reasonable, the Court uses the
21 "lodestar" method. *See Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978 (9th Cir.
22 2008). The lodestar is calculated by multiplying the "number of hours reasonably expended
23 on the litigation" by a "reasonable hourly rate." *Id.* at 982 (quoting *Hensley v. Eckerhart*,
24 461 U.S. 424, 433 (1983)). The Court determines if an hourly rate is reasonable by
25 comparing it to prevailing rates for "similar work performed by attorneys of comparable
26 skill, experience, and reputation" in the community where the district court sits. *Id.* at 979
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28 ¹ Plaintiff may file a second application for attorneys' fees related to the "Motion for Terminating Sanctions" (Doc. 49) due August 8, 2023. *See* Doc. 54 at 8.

(citation and internal quotations omitted). The party seeking an award "should submit evidence supporting the hours worked" for the relevant claim or motion. *Hensley*, 461 U.S. at 433–35. The lodestar calculation is "presumptively reasonable." *Camacho*, 523 F.3d at 982.

II. Analysis

A. Reasonableness of Rate

Plaintiff's counsel has a proposed rate of \$395 per hour. Doc. 48-1 ¶ 3. Plaintiff's counsel is an associate at Snell & Wilmer in Tucson, Arizona with eight years of experience. *Id.* ¶¶ 1–2. The client agreed to pay this hourly rate. *Id.* ¶ 6. This rate is reasonable under the circumstances, and the Court will apply it.

B. Reasonableness of Hours

Plaintiff's counsel seeks to recover attorneys' fees for 9.9 hours of work and provided an itemized breakdown of the work performed. *Id.* ¶ 5 (table of time entries). The hours submitted include only work done in connection with the Motion. *E.g., id.* ¶ 5 (research and prepare for motion to compel, draft motion to compel, correspond with client about motion to compel). The 9.9 hours claimed is reasonable under the circumstances.

C. Lodestar Calculation

Multiplying the reasonable rate (\$395) by the hours worked, the lodestar is \$3,910.50. No adjustments to the lodestar figure are warranted. Therefore, the Court awards \$3,910.50 as reasonable attorneys' fees.

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IT IS ORDERED GRANTING Plaintiff's "Application for Attorneys' Fees." Doc. 48. Plaintiff is awarded **\$3,910.50** in attorneys' fees for reasonable expenses incurred in making Plaintiff's "Motion for Sanctions or, in the Alternative, to Compel Defendants' Depositions" (Doc. 48). Plaintiff may not claim these attorneys' fees in any future fee application.


Honorable John C. Hinderaker
United States District Judge